



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/006,874

11/14/2001

Michael A. Plotnick

T738-10

5480

81712 7590 05/27/2010

Carlineo, Spicer & Kee, LLC  
2003 S. Easton Road, Suite 208  
Doylestown, PA 18901

EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/27/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/006,874	<b>Applicant(s)</b> PLOTNICK ET AL.	
	<b>Examiner</b> HUY T. NGUYEN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27, 29-34, 36-54, 57-59, 63-65, 110-113 and 118-121 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27, 29-34, 36-54, 57-59, 63-65, 110-113 and 118-121 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/27/10</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-2, 20-27, 29-34, 36-54, 59, 63-65, 110-113 and 118-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger (6,909,837) in view of Slezak (6,006,257).

Regarding claims 1, 32-34, 36 and 63-65, Unger discloses an apparatus and a method for displaying an alternative advertisement to a subscriber during a trick-play event, the apparatus and method comprising:  
detecting the trick-play event during playback of a recorded advertisement; and

Art Unit: 2621

displaying the alternative advertisement to the subscriber and returning displaying the recorded programming at the end of the advertisement (Fig. 1-4, column 2, lines 45-60).

Unger fails to teaches a control means for ignoring the termination of trick play event mode during the recorded advertisement portion being viewed

Slezak teaches an apparatus comprise a control means for controlling an forcing a user to view an advertisement until the end of the advertisement by ignoring a termination of a current mode viewing the advertisement input by a user during viewing the advertisement (column 9, lines 37-56, Fig. 7).

It would have been obvious to one of ordinary skill in the art to modify Unger with Slezak by providing Unger with a control means as taught by Slezak for detecting an end of a trick play event during playing the recorded advertisement and continuing the trick play of the recorded advertisement until the end of the recorded advertisement thereby enhancing the capacity of the apparatus of Unger in order to force a viewer to view a certain portion of the program .

In Remark filed 17 December 2009, applicant argues that Slezak does not support the notion of continuing until the end of the recorded advertisement, trick playing the recorded advertisement and displaying the alternative advertisement. In response, Slezak teaches continuing to the end of the advertisement by ignoring an input of termination of playing the advertisement to force the viewer to view the advertisement until the end of the advertisement and Unger teach displaying alternative advertisement during trick play of the recorded advertisement. Since both

Art Unit: 2621

Unger and Slezak teach forcing a viewer to view recorded advertisement it would have been obvious to one of ordinary skill in the art to combine Unger and Slezak to use the teaching ignoring a termination of playing an advertisement input by a viewer during playing the advertisement as taught Slezak with Unger for continuing the play of the alternative advertisement during a trick play ignoring the termination of trick play.

Regarding claim 2, Unger further teaches the method of claim 1, wherein said displaying includes displaying the alternative advertisement instead of the recorded advertisement (column 2, lines 45-60).

Regarding claim 20, Unger further teaches , wherein said detecting includes detecting an initiation of the trick play event (fast forward) during playback of the recorded advertisement (column 7, lines 1-23).

Regarding claim 21, Unger further teaches the method of claim 1, wherein said detecting includes detecting a start of a recorded advertisement during the trick play event (column 7, lines 1-23, Fig. 4) .

Regarding claim 22, Unger further teaches the method of claim 1, further comprising detecting an end of the recorded advertisement; and stopping the display of the alternative advertisement (column 7, lines 23-31).

Regarding claim 23, Unger further teaches the method of claim 22, further comprising displaying recorded programming in trick play mode (column 7, lines 23-31).

Regarding claim 24, Unger further teaches the method of claim 22, further comprising determining that another recorded advertisement is in trick play mode; determining that there is an associated alternative advertisement therefore; and displaying the associated alternative advertisement (column 7, lines 1-23, Fig. 4).

Regarding claim 25, Unger further teaches the method of claim 1, further comprising detecting a start of a second recorded advertisement during the trick play event; and displaying a second alternative advertisement associated with the second recorded advertisement (column 7, lines 1-23) .

Regarding claim 26, Unger further teaches the method of claim 1, further comprising detecting an end of the trick play event; stopping the display of the alternative advertisement (column 7, lines 20-31).

Regarding claim 27, Unger further teaches the method of claim 26, further comprising displaying recorded programming (column 7, lines 23-32).

Regarding claim 29, Unger further teaches the method of claim 1, further comprising determining point in recorded advertisement that the trick play event occurs (user input trick play ) .

Regarding claims 30 ,31 and 32, Unger further teaches the method of claim 29, wherein said displaying includes displaying the alternative advertisement if a determination is made that the trick play event occurs within a predefined period from a start of the recorded advertisement (column 5, column 7, line 5-30, the user can set a

Art Unit: 2621

period from the start of the recorded advertisement to input a trick play or fast forward mode for the recorded advertisement .

Regarding claim 36, Unger further teaches the method of claim 29, further comprising modifying the alternative advertisement based on said determining. (column 6, lines 1-10)

Regarding claim 37, Unger further teaches the alternative advertisement is related to the recorded advertisement (column 5, lines 40-60, column 6, line 1-10)

Regarding claim 38, Unger further teaches the method of claim 1, wherein the alternative advertisement is approximately an amount of time equal to time associated with fast forwarding through the recorded advertisement (columns 5-6) .

Regarding claim 39, Unger further teaches the method of claim 37, wherein the alternative advertisement (message) is a separately produced advertisement (column 5, lines 45-69, Fig. 4).

Regarding claim 40, Unger further teaches the method of claim 37, wherein the alternative advertisement is derived from the recorded advertisement (Fig. 4, column 6, lines 1-10 column 7, lines 1-23).

Regarding claims 41 and 119, Unger further teaches the method of claim 40, wherein the alternative advertisement is derived by applying processing rules to the recorded advertisement (column 5, lines 47-60, column 6, lines 1-10, column 7, lines 30-56).

Regarding claims 42 ,43,113, Unger further teaches the method of claim 41, wherein the processing rules are specific to the recorded advertisement(column 6, lines 1-10, column 7, lines 30-56)..

Regarding claims 44 ,112 and 121, Unger further teaches the method of claim 41, wherein the processing rules are generic (column 5, lines 43-60).

Regarding claim 45, Unger further teaches the method of claim 41, wherein the alternative advertisement is a still image from the recorded advertisement (column 6, lines 1-10, column 7, lines 1-23).

Regarding claim 46, Unger further teaches the method of claim 41, wherein the alternative advertisement is a series of still images from the recorded advertisement (column 6, lines 1-10, column 7, lines 15-56).

Regarding claim 47, Unger further teaches the alternative advertisement is a video segment from the recorded advertisement (column 7, lines 15-56).

Regarding claims 48, Unger further teaches the method of claim 41, wherein the alternative advertisement is a series of video segments from the recorded advertisement(column 7, lines 15-56).

Regarding claim 49, Unger further teaches the method of claim 41, wherein the alternative advertisement is a combination of still images and video segments from the recorded advertisement(column 7, lines 15-56).

Regarding claim 50, Unger further teaches the method of claim 41, wherein the alternative advertisement is a portion of the recorded advertisement with computer generated graphics added thereto (column 5, lines 50-60).

Regarding claims 51 and 111, 120, Unger further teaches the method of claim 1, wherein the alternative advertisement is related to more than one recorded advertisement (column 7, lines 1-23, Fig. 4).

Regarding claim 52, Unger further teaches the method of claim 51, wherein the alternative advertisement is displayed during a trick play event for the more than one recorded advertisement (column 7, lines 1-23, Fig. 4).

Regarding claims 53, 110 and 118, Unger further teaches the method of claim 1, wherein the alternative advertisement is not related to the recorded advertisement (column 7, lines 1-23, Fig. 4).

Regarding claim 54, Unger further teaches the method of claim 1, wherein trick play events include fast forwarding, skipping, rewinding, and pausing (Abstract, column 5).

Regarding claim 56, Unger further teaches the system of claim 55, wherein said means for displaying displays the alternative advertisement instead of the fast forwarding recorded advertisement (column 5).

Regarding claim 59, Unger further teaches the system of claim 55, wherein said means for detecting detects a start of a recorded advertisement during the fast forward event (Fig. 4, column 7, lines 1-15).

3. Claims 3,4,7-14,17-19 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger (6,909,837) in view of Slezak (6,006,257) as applied to claims 1 and 63 above further in view of Hakamada et al (4,845,564).

Regarding claims 3 and 57-58, Unger further teaches receiving the advertisement, recording the advertisement, reproducing the advertisement and displaying the received and recorded advertisement but fails to specifically teach superimposing the alternative advertisement on the recorded advertisement.

Hakamada teaches a recoding and reproducing system having a superimposing means for superimposing an alternative video signal with a recorded signal or the received video signal with the recorded video signal (Figs. 3, column 6, lines 25-65). Further Hakamada teaches the receiving advertisement and recorded advertisement from a broadcast signal.

It would have been obvious to one of ordinary skill in the art to modify Unger with Hakamada by providing the Unger with a superimposing means as taught by Hakamada for receiving alternative advertisement and recorded advertisement and superimposing the alternate advertisement and recorded advertisement thereby enhancing the capacity of the apparatus of Unger in displaying the advertisement.

Regarding claim 4, Unger as modified with Hakamada further teaches the method of claim 3, wherein the superimposed alternative advertisement covers a portion of the recorded advertisement (Fig. 3).

Regarding claims 7,8,9 and 17 , Unger as modified with Hakamada further teaches the method of claim 3, wherein at least some subset of video features associated with the superimposed alternative advertisement are adjustable since Hakamada teaches the video signal is color signal and adjusting contrast, tint or bright an hue are features included in a color TV.

Regarding claim 10, Unger as modified with Hakamada further teaches the method of claim 3, wherein at least some subset of video features associated with the superimposed alternative advertisement are different from a corresponding subset of the video features associated with the recorded advertisement since Unger and Hakamada teaches receiving the advertisement can be superimpose to the recorded advertisement (Fig. 3)

Regarding claims 11 and 12, Unger as modified with Hakamada further teaches the method of claim 10, wherein the superimposed alternative advertisement is more distinct than the recorded advertisement or the recorded advertisement is more distinct than the superimposed alternative advertisement by selectively displaying the alternative advertisement or recorded advertisement in larger area of the display (Fig. 3) .

Regarding claims 13,14,18-19 , Unger as modified with Hakamada further teaches said displaying includes superimposing the alternative advertisement over the recorded advertisement (Fig.3) .

Art Unit: 2621

4. Claims 5, 6, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger in view of Hakamada et al (4,845,564) as applied to claim 1-3 and 14 above, further in view of Canfield et al (5,031,044).

Regarding claims 5, 6, 15 and 16, Unger as modified with Hakamada fails to teach the size and location of superimposed alternative advertisement or recorded advertisement are adjustable.

Canfield teaches an apparatus having control means for generating superimposed picture with a picture and the size and location of the superimposed picture is adjustable (column 1, line 30 to column 2 line 35, Figs. 2-4). It would have been obvious to one of ordinary skill in the art to modify Unger as modified with Hakamada by providing the apparatus of Unger as modified with Hakamada with a control means as taught by Canfield for receiving the recorded advertisement and superimposed advertisement as taught by Canfield to changing the size or location of the superimposed advertisement thereby enhancing the capacity of the apparatus of Unger for selecting displaying of the advertisements.

5. Claims 1-2, 20-27, 29-34, 36-54, 59, 63-65, 110-113 and 118-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger (6,909,837) in view of Wang (US 2002/0191950).

Regarding claims 1, 32-34, 36 and 63-68, Unger discloses an apparatus and a method for displaying an alternative advertisement to a subscriber during a trick-play event, the apparatus and method comprising:

detecting the trick-play event during playback of a recorded advertisement; and

displaying the alternative advertisement to the subscriber and returning displaying the recorded programming at the end of the advertisement (Fig. 1-4, column 2, lines 45-60).

Unger fails to teach a control means for ignoring the termination of trick play event mode during the recorded advertisement portion being viewed .

Wang teaches a recording / reproducing apparatus for playing the recorded advertisement having a control means disable or enable a changing of a reproducing mode for reproducing a recorded advertisement portion (section 0026,0029-0030,0052,0057).

It would have been obvious to one of ordinary skill in the art to modify Unger with Wang by providing Unger apparatus with a control means as taught by Wang for detecting an end of a trick play event during playing the recorded advertisement and continuing the trick play of the recorded advertisement until the end of the recorded advertisement thereby enhancing the capacity of the apparatus of Unger in order to force a viewer to view a certain portion of the program .

Regarding claim 2, Unger further teaches the method of claim 1, wherein said displaying includes displaying the alternative advertisement instead of the recorded advertisement (column 2, lines 45-60).

Regarding claim 20, Unger further teaches , wherein said detecting includes detecting an initiation of the trick play event (fast forward) during playback of the recorded advertisement (column 7, lines 1-23).

Regarding claim 21, Unger further teaches the method of claim 1, wherein said detecting includes detecting a start of a recorded advertisement during the trick play event (column 7, lines 1-23, Fig. 4) .

Regarding claim 22, Unger further teaches the method of claim 1, further comprising detecting an end of the recorded advertisement; and stopping the display of the alternative advertisement (column 7, lines 23-31).

Regarding claim 23, Unger further teaches the method of claim 22, further comprising displaying recorded programming in trick play mode (column 7, lines 23-31).

Regarding claim 24, Unger further teaches the method of claim 22, further comprising determining that another recorded advertisement is in trick play mode; determining that there is an associated alternative advertisement therefore; and displaying the associated alternative advertisement (column 7, lines 1-23, Fig. 4).

Regarding claim 25, Unger further teaches the method of claim 1, further comprising detecting a start of a second recorded advertisement during the trick play event; and  
displaying a second alternative advertisement associated with the second recorded advertisement (column 7, lines 1-23) .

Regarding claim 26, Unger further teaches the method of claim 1, further comprising detecting an end of the trick play event; stopping the display of the alternative advertisement (column 7, lines 20-31).

Regarding claim 27, Unger further teaches the method of claim 26, further comprising displaying recorded programming (column 7, lines 23-32).

Regarding claim 29, Unger further teaches the method of claim 1, further comprising determining point in recorded advertisement that the trick play event occurs (user input trick play ) .

Regarding claims 30 ,31 and 32, Unger further teaches the method of claim 29, wherein said displaying includes displaying the alternative advertisement if a determination is made that the trick play event occurs within a predefined period from a start of the recorded advertisement (column 5, column 7, line 5-30, the user can set a period from the start of the recorded advertisement to input a trick play or fast forward mode for the recorded advertisement .

Regarding claim 36, Unger further teaches the method of claim 29, further comprising modifying the alternative advertisement based on said determining. (column 6, lines 1-10)

Regarding claim 37, Unger further teaches the alternative advertisement is related to the recorded advertisement (column 5, lines 40-60, column 6, line 1-10)

Regarding claim 38, Unger further teaches the method of claim 1, wherein the alternative advertisement is approximately an amount of time equal to time associated with fast forwarding through the recorded advertisement (columns 5-6) .

Regarding claim 39, Unger further teaches the method of claim 37, wherein the alternative advertisement (message) is a separately produced advertisement (column 5, lines 45-69, Fig. 4).

Regarding claim 40, Unger further teaches the method of claim 37, wherein the alternative advertisement is derived from the recorded advertisement (Fig. 4, column 6, lines 1-10 column 7, lines 1-23).

Regarding claims 41 and 119, Unger further teaches the method of claim 40, wherein the alternative advertisement is derived by applying processing rules to the recorded advertisement (column 5, lines 47-60, column 6, lines 1-10, column 7, lines 30-56).

Regarding claims 42 ,43,113, Unger further teaches the method of claim 41, wherein the processing rules are specific to the recorded advertisement(column 6, lines 1-10, column 7, lines 30-56)..

Regarding claims 44 ,112 and 121, Unger further teaches the method of claim 41, wherein the processing rules are generic (column 5, lines 43-60).

Regarding claim 45, Unger further teaches the method of claim 41, wherein the alternative advertisement is a still image from the recorded advertisement (column 6, lines 1-10, column 7, lines 1-23).

Regarding claim 46, Unger further teaches the method of claim 41, wherein the alternative advertisement is a series of still images from the recorded advertisement (column 6, lines 1-10, column 7, lines 15-56).

Regarding claim 47, Unger further teaches the alternative advertisement is a video segment from the recorded advertisement (column 7, lines 15-56).

Regarding claims 48, Unger further teaches the method of claim 41, wherein the alternative advertisement is a series of video segments from the recorded advertisement (column 7, lines 15-56).

Regarding claim 49, Unger further teaches the method of claim 41, wherein the alternative advertisement is a combination of still images and video segments from the recorded advertisement (column 7, lines 15-56).

Regarding claim 50, Unger further teaches the method of claim 41, wherein the alternative advertisement is a portion of the recorded advertisement with computer generated graphics added thereto (column 5, lines 50-60).

Regarding claims 51 and 111, 120, Unger further teaches the method of claim 1, wherein the alternative advertisement is related to more than one recorded advertisement (column 7, lines 1-23, Fig. 4).

Regarding claim 52, Unger further teaches the method of claim 51, wherein the alternative advertisement is displayed during a trick play event for the more than one recorded advertisement (column 7, lines 1-23, Fig. 4).

Regarding claims 53, 110 and 118, Unger further teaches the method of claim 1, wherein the alternative advertisement is not related to the recorded advertisement (column 7, lines 1-23, Fig. 4).

Regarding claim 54, Unger further teaches the method of claim 1, wherein trick play events include fast forwarding, skipping, rewinding, and pausing (Abstract, column 5).

Regarding claim 56, Unger further teaches the system of claim 55, wherein said means for displaying displays the alternative advertisement instead of the fast forwarding recorded advertisement (column 5).

Regarding claim 59, Unger further teaches the system of claim 55, wherein said means for detecting detects a start of a recorded advertisement during the fast forward event (Fig. 4, column 7, lines 1-15).

6. Claims 3, 4, 7-14, 17-19 and 57-58 are rejected under 35 U.S.C. 103(a) as, 564) being unpatentable over Unger (6,909,837) in view of Wang as applied to claims 1 and 63 above further in view of Hakamada et al .

Regarding claims 3 and 57-58, Unger further teaches receiving the advertisement , recording the advertisement , reproduced the advertisement and displaying the received and recorded advertisement but fails to specifically teaches superimposing the alternative advertisement the recorded advertisement .

Hakamada teaches a recoding and reproducing system having a superimposing mean for superimposing an alternative video signal with a recorded

signal or the received video signal with the recorded video signal (Figs. 3, column 6, lines 25-65). Further Hakamada teaches the receiving advertisement and recorded advertisement from a broadcast signal.

It would have been obvious to one of ordinary skill in the art to modify Unger with Hakamada by providing the Unger with a superimposing means as taught by Hakamada for receiving alternative advertisement and recorded advertisement and superimposing the alternate advertisement and recorded advertisement thereby enhancing the capacity of the apparatus of Unger in displaying the advertisement.

Regarding claim 4, Unger as modified with Hakamada further teaches the method of claim 3, wherein the superimposed alternative advertisement covers a portion of the recorded advertisement (Fig. 3).

Regarding claims 7,8,9 and 17, Unger as modified with Hakamada further teaches the method of claim 3, wherein at least some subset of video features associated with the superimposed alternative advertisement are adjustable since Hakamada teaches the video signal is color signal and adjusting contrast, tint or brightness and hue are features included in a color TV.

Regarding claim 10, Unger as modified with Hakamada further teaches the method of claim 3, wherein at least some subset of video features associated with the superimposed alternative advertisement are different from a corresponding subset of the video features associated with the recorded advertisement since Unger and Hakamada teaches receiving the advertisement can be superimposed to the recorded advertisement (Fig. 3)

Regarding claims 11 and 12, Unger as modified with Hakamada further teaches the method of claim 10, wherein the superimposed alternative advertisement is more distinct than the recorded advertisement or the recorded advertisement is more distinct than the superimposed alternative advertisement by selectively displaying the alternative advertisement or recorded advertisement in larger area of the display (Fig. 3) .

Regarding claims 13,14,18-19 , Unger as modified with Hakamada further teaches said displaying includes superimposing the alternative advertisement over the recorded advertisement (Fig.3) .

7. Claims 5 , 6 ,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unger in view of Wang as applied to claim 1-3 and 14 above, further in view of Canfield et al (5,031,044)

Regarding claims 5,6,15 and 16, Unger as modified with Hakamada fails to teach the size and location of superimposed alternative advertisement or recorded advertisement are adjustable .

Canfield teaches an apparatus having control means for generating superimposed picture with a picture and the size and location of the superimposed picture is adjustable (column 1, line 30 to column 2 line 35, Figs. 2-4). It would have been obvious to one of ordinary skill in the art to modify Unger as modified with Hakamada by providing the apparatus of Unger as modified with Hakamada with a control means as taught by Canfield for receiving the recorded advertisement and

Art Unit: 2621

superimposed advertisement as taught by Canfield to changing the size or location of the superimposed advertisement thereby enhancing the capacity of the apparatus of Unger for selecting displaying of the advertisements .

### ***Response to Arguments***

8. Applicant's arguments filed 26 January 2010 have been fully considered but they are not persuasive.

Applicant argues that the Slezak does not teach ignoring the end of playback event . In response, the examiner disagrees. Slezak teaches that during displaying a must view program, the system will ignore a changing viewing operation that interrupts the display of the must view program and continuously display the must view program until the end of the must view program is reached and the whole must view program is completely displayed and watched by the viewer. It is clear that Slezak teaches ignoring changing a viewing operation mode that affect the viewing a certain program. Further , It is noted that the concept that forces a viewer to watch a unwanted program or must view program is well known in the art and that will motivate a practitioner in the art to modify the system of Unger apparatus by using instruction or program codes with the system of the apparatus of Unger to ignore the end of trick play event mode input by the user during displaying an alternative advertisement within the period of the recorded advertisement to force a viewer to view a complete advertisement section.. Applicant argues that Unger does not teach continuing to display the alternative advertisement and Slezak does not

Art Unit: 2621

teach an end of the trick play event . In response the combination of Unger and Slezak teaches an end of the trick play event since Unger teaches ending a trick play event prior to the end of the advertisement portion and Slezka teaches ignoring any input changing the present play mode of specified the recorded portion until the end of the specified portion. The combination of Unger and Slezka is obvious since it merely use the known teaching in the art to achieve a desired result .

Applicant argues that the combination of Unger and Wang would teach the claim invention since Wang teaches fast forwarding (trick play) a recorded regular content portion and normally playing a recorded advertisement portion that is different from the claimed invention . In response , the examiner , it is submitted that the examiner relies on teaching of disabling and enabling between various playing modes of the recorded contents to maintain playing a specified content portion or fast forwarding another specified content portions until a beginning of the specified portion as taught by Wang to modify the Unger apparatus to achieve a desired result that is continuously playing the advertisement until the end of the recorded advertisement portion . One wants to maintain the display of the alternative advertisement ( discloses by Unger ) would use the disable means or teaching of Wang to disable any input to end displaying of the alternative advertisement to force the view to view complete advertisement until the end of recorded advertisement portion. The combination of Unger and Wang is obvious because it merely call for a method that applies the known teaching in the art to provide alternative desired results.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/

Primary Examiner, Art Unit 2621